

REFERENCE TITLE: drag racing; penalties

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2837

Introduced by
Representatives Barto, Kavanagh, Senators Leff, Waring: Representatives
DeSimone, Driggs, Pearce, Reagan

AN ACT

AMENDING SECTION 28-708, ARIZONA REVISED STATUTES; RELATING TO RACING ON HIGHWAYS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-708, Arizona Revised Statutes, is amended to read:

28-708. Racing on highways: classification: exception: definitions

A. A person shall not drive a vehicle or participate in any manner in a race, speed competition or contest, drag race or acceleration contest, test of physical endurance or exhibition of speed or acceleration or for the purpose of making a speed record on a street or highway.

B. A person who violates this section is guilty of a class 1 misdemeanor. If WITHIN A PERIOD SIXTY MONTHS a person is convicted of a second or subsequent violation of this section ~~within twenty-four months of a first conviction~~ OR IS CONVICTED OF A VIOLATION OF THIS SECTION AND HAS PREVIOUSLY BEEN CONVICTED OF AN ACT IN ANOTHER JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OF THIS SECTION, the person is guilty of a class 6 felony and is not eligible for probation, pardon, suspension of sentence or release on any other basis until the person has served not less than ten days in jail or prison.

C. A person who is convicted of a first violation of this section shall pay a fine of not less than ~~two~~ FIVE hundred ~~fifty~~ dollars and may be ordered by the court to perform community restitution.

D. A person who is convicted of a SECOND OR subsequent violation of this section OR WHO IS CONVICTED OF A VIOLATION OF THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF AN ACT IN ANOTHER JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OF THIS SECTION shall pay a fine of not less than ~~five hundred~~ ONE THOUSAND dollars and may be ordered by the court to perform community restitution.

E. On pronouncement of a jail sentence under this section and in cases of extreme hardship, the court may provide in the sentence that if the defendant is employed or attending school and can continue employment or school the defendant may continue the employment or school for not more than twelve hours per day nor more than five days per week, and the defendant shall spend the remaining days or parts of days in jail until the sentence is served. The court may allow the defendant to be out of jail only long enough to complete the defendant's actual hours of employment or school.

F. If a person is convicted of violating this section, the judge may require the surrender to a police officer of any driver license of the person and immediately forward the abstract of conviction to the department. On a first conviction, the judge may order the suspension of the driving privileges of the person for a period of not more than ninety days. In the case of a first conviction and on receipt of the abstract of conviction and order of the court, the department shall suspend the driving privileges of the person for the period of time ordered by the judge. In the case of a second or subsequent conviction for an offense committed within a period of

1 ~~twenty-four~~ SIXTY months and on receipt of the abstract of conviction, the
2 department shall revoke the driving privileges of the person.

3 G. NOTWITHSTANDING SUBSECTION F, THE DEPARTMENT MAY ISSUE A RESTRICTED
4 DRIVING PRIVILEGE TO A PERSON IN ORDER TO TRAVEL BETWEEN:

5 1. THE PERSON'S PLACE OF EMPLOYMENT AND RESIDENCE AND DURING SPECIFIED
6 PERIODS OF TIME WHILE AT EMPLOYMENT, ACCORDING TO THE PERSON'S EMPLOYMENT
7 SCHEDULE.

8 2. THE PERSON'S PLACE OF RESIDENCE AND THE PERSON'S SECONDARY OR
9 POSTSECONDARY SCHOOL, ACCORDING TO THE PERSON'S EDUCATIONAL SCHEDULE.

10 3. THE PERSON'S PLACE OF RESIDENCE AND THE OFFICE OF THE PERSON'S
11 PROBATION OFFICER FOR SCHEDULED APPOINTMENTS.

12 4. THE PERSON'S PLACE OF RESIDENCE AND A SCREENING, EDUCATION, MEDICAL
13 OR TREATMENT FACILITY FOR SCHEDULED APPOINTMENTS.

14 G. H. The director may authorize in writing an organized and properly
15 controlled event to utilize a highway or part of a highway even though it is
16 prohibited by this section. The authorization shall specify the time of the
17 event, the highway or part of a highway to be utilized and any special
18 conditions the director may require for the particular event.

19 H. I. For the purposes of this section:

20 1. "Drag race" means either:

21 (a) The operation of two or more vehicles from a point side by side at
22 accelerating speeds in a competitive attempt to outdistance each other.

23 (b) The operation of one or more vehicles over a common selected
24 course and from the same point for the purpose of comparing the relative
25 speeds or power of acceleration of the vehicle or vehicles within a certain
26 distance or time limit.

27 2. "Racing" means the use of one or more vehicles in an attempt to
28 outgain or outdistance another vehicle or prevent another vehicle from
29 passing.